

APPROVED MINUTES
CITY OF MILPITAS

Minutes:	Adjourned Regular Meeting of Milpitas City Council
Date of Meeting:	January 11, 2005
Time of Meeting:	6:00 p.m.
Place of Meeting:	City Hall Council Chambers, 455 E. Calaveras Blvd.

ROLL CALL	Mayor Esteves called to order the adjourned meeting of the Milpitas City Council at 6:00 p.m. Present were Mayor Esteves, Vice Mayor Gomez, and Councilmembers Giordano, Livengood, and Polanski.
PLEDGE	Mayor Esteves led the Council and audience in the Pledge of Allegiance.
CITIZENS FORUM	Mayor Esteves invited members of the audience to address the Council on any subject not on the agenda. There were no requests.
AGENDA	<p>Mayor Esteves said he had some correspondence pertaining to two applicants for the Planning Commission that he would read after the approval of the agenda.</p> <p>MOTION to approve the agenda as submitted.</p> <p>M/S: Livengood, Giordano. Ayes: 5</p>
PLANNING COMMISSION INTERVIEWS	<p>Mayor Esteves said before proceeding with the interviews, he wanted to read the correspondence he had received. The Mayor read a letter addressed to the Mayor from Planning Commission applicant Joselito Abelardo explaining why he didn't feel comfortable with the new prevailing dynamics of the system and was withdrawing his application from consideration. Mayor Esteves also read an email to all the Council from Gurdev Sandhu stating that he had second thoughts regarding serving on the Planning Commission and requesting the Council re-appoint him to the Commission without going through the interview process as it had do with other Commissioners in the past.</p> <p>Mayor Esteves offered a motion to reappoint Mr. Sandhu without benefit of an interview. There was no second to the motion.</p>
A. Determine Order	<p>Councilmember Livengood pointed out that the item before the Council was Item A on the agenda, Determine the Order of the Interviews, and the appointments would be dealt with under Item C, Appoint Planning Commissioners. Mayor Esteves said he would wait until Item C on the agenda.</p> <p>City Clerk Gail Blalock reported the first item of business was to determine the order of the interviews; they could be alphabetical, reverse the alphabet, or randomly by drawing the names. Councilmember Gomez suggested by random drawing. Councilmember Giordano suggested they be interviewed in the order their applications were received. Councilmember Polanski expressed her preference for random drawing. The City Clerk drew the applicants' names to determine the interview order, resulting in the following: (1) Bill Ferguson; (2) Michael Queenan; (3) Norman Azevedo, (4) Cliff Williams; and (5) Sudhir Mandal.</p>
B. Interviews	Mayor Esteves welcomed each candidate, expressed appreciation on behalf of the Council for their interest in serving on the Planning Commission and explained that each Councilmember would be asking questions. Interviews were conducted with Mr. Ferguson, Mr. Queenan, Mr. Azevedo, Mr. Williams, and Mr. Mandal, beginning with Mr. Ferguson. The Council asked questions of the applicants and rotated the order of questions so that the Mayor and each Councilmember had an opportunity to ask the first question. Candidates were also given the opportunity to make a two-minute closing statement.
C. Appointments	Mayor Esteves asked the City Clerk to state the process that was agreed upon by the City Council. The City Clerk said in looking at the minutes for the December 21, 2004, Council meeting, in terms of the appointments, it was her understanding that the Council determined

there was to be no ranking of candidates and that appointments would be made through a motion process, a motion would be made, seconded, and the Council would vote.

Mayor Esteves brought back the letter of Mr. Sandhu and said he wanted to consider him in the selection process.

Vice Mayor Gomez said inasmuch as he admired and appreciated the work Mr. Sandhu had done over the years, the Council made a decision that it wanted to do interviews; the Council had appointed applicants in the past without interviews, but the Council had also required applicants who were sitting on the Commission to come in for interviews; so the Council had done either or and he was a little troubled that given the Council did make the decision to go the interview route, Mr. Sandhu did not apply, and he didn't think it was fair to everyone else that took the time to go through the process to just automatically appoint Mr. Sandhu. Vice Mayor Gomez didn't think it would be fair to everyone else and given that the Council was in the process of trying to get more applicants for the Commissions, he thought it might be a little discouraging to people to just appoint him given that he did not go through the process.

Councilmember Polanski said as everyone was aware, she was not at the December 21, 2004, meeting so she would abide by what a majority of the Council chose to do in the process for Planning Commission appointments; to be clear, she was not in agreement with the process the Council was using, she was not in agreement with removing the ranking system, and she was not in agreement with doing it by majority vote; she also agreed that Mr. Sandhu has served the City well, he also currently is the most senior member of the Commission, and she would have no problem reappointing him; she understood how everyone said we're trying to get more people to apply and out of nine applicants, it had dropped down to five and she was sure there were some very valid reasons that had nothing to do with the process but more the fact that, she thought, people wanted a majority of the City Council to back them or know that a majority of the Council is who they serve, and she always thought that the ranking system worked well because then the Planning Commissioners knew the Commission was serving the citizens of Milpitas because they are also a quasi-judicial body; she was not in agreement with the process, she would continue with it this evening, but she would be happy to support a motion to reappoint Mr. Sandhu.

Councilmember Giordano said from a personal basis, she had to go through the re-interview process when she was re-appointed to the Planning Commission, so she personally had been through that process and she respected those who were returning or going through the re-interview process; secondly, the Council did begin and establish the process at the last Council meeting, she believed the Council should follow that, so she would not support anyone who has not gone through this process this evening.

Councilmember Livengood said Dave Sandhu had been a friend of his for a long time and he had supported him three or four times when he came before the Council for appointment; however, there were two reasons why at this point he didn't feel it was appropriate to move forward with his appointment: he had a memo from the City Clerk to the Council dated January 4, 2005, stating Mr. Sandhu had said recent increased demands from his job made it difficult for him to devote the time necessary to be a Planning Commissioner; so he had to take him at his word that he is too busy at this time to be a Planning Commissioner and knowing that, at this time he would not consider him for appointment. Councilmember Livengood further stated that the Council made it very clear it wanted to interview people for these positions and as the Vice Mayor mentioned, over the years the Council had done it a number of different ways; the Council had asked sitting Commissioners to come back and be interviewed, and a Planning Commissioner had no right to simply be reappointed any more than the Council had a right to be re-elected without going through a campaign; he thought it appropriate on occasions for Planning Commissioners to come in and be interviewed and if Mr. Sandhu did not want to follow that process, then as far as he was concerned, he basically had given up that opportunity; so based on that and the fact that in his own words, he said that his work schedule was preventing him from devoting enough time, he would not at this time support a motion, however, he would consider him in the future if he came back, just as he was considering Cliff Williams, who was a former Planning Commissioner.

Mayor Esteves said he wanted to complete the letter Councilmember Livengood was reading and read that Mr. Sandhu asked that his application be included for consideration of any future vacancies on the Parks, Recreation, and Cultural Resources Commission; in other words, he could see the willingness of Mr. Sandhu to continue serving in a Commissioner capacity, and he appreciated him doing that but he was putting more weight on his latest email that he wanted to be a Planning Commissioner again and thought he deserved to be one.

MOTION to appoint Gurdev Sandhu to the Planning Commission.

M/S: Esteves, Polanski. Ayes: 2 (Esteves, Polanski) Noes: 3

Mayor Esteves announced that the motion did not pass and asked what would be the pleasure of the Council.

MOTION to appoint Cliff Williams to the Planning Commission.

Councilmember Polanski asked for clarification of the term. The maker of the motion said it would be for a full term (December 2007). The second to the motion agreed.

M/S: Giordano, Livengood.

VOTE ON MOTION: Ayes: 3 Noes: 2 (Esteves, Polanski)

MOTION to appoint Sudhir Mandal to the Planning Commission for a full term (December 2007).

M/S: Esteves, Livengood. Ayes: 4 Noes: 1 (Polanski)

MOTION to appoint Bill Ferguson to the Planning Commission.

There was no second to the motion; the motion died for lack of a second.

MOTION to appoint Norman Azevedo to the Planning Commission for the partial term (December 2006).

M/S: Livengood, Giordano. Ayes: 4 Noes: 1 (Polanski)

Mayor Esteves congratulated the new Planning Commissioners.

Councilmember Polanski congratulated the new Planning Commissioners and explained that her "no" vote was because she disagreed with the process that took place by doing it by majority vote and taking away the ranking because she felt that it did not give each member of the Council the ability to look at how people answered the questions, how they could be a good Planning Commissioner, and give Councilmembers equal say; that in no way should diminish anyone from their role; however, she wanted to state for the record that she disagreed with the process.

ADJOURNMENT

There being no further Council business, Mayor Esteves adjourned the City Council meeting at 7:49 p.m.

Gail Blalock, City Clerk

The foregoing minutes were approved by the City Council as submitted on February 15, 2005.

Gail Blalock, City Clerk

Date